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JAN 14 2013

United States District Court
STATE AND DISTRICT OF MINNESOTA**CLERK, U.S. DISTRICT COURT**
ST. PAUL, MN

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

13-mj-22(mkk)
(1)
(2)

(01) CODY LOWELL TROY

(02) TRAVIS MICHAEL BURNS

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 10, 2012 in Beltrami County, in the State and District of Minnesota defendants, CODY LOWELL TROY and TRAVIS MICHAEL BURNS, each aiding and abetting the other, did knowingly, by force, violence, and intimidation, take from the person and presence of a victim teller approximately \$3,738.00 in United States currency belonging to and in the care, custody, control, management, and possession of the First State Bank of Bigfork located in Kelliher, Minnesota, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and in committing such offense, did assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is, a short-barreled shotgun, all

in violation of Title 18 United States Code, Section 2113 (a) and (d).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Jan. 10, 2013
DateThe Honorable Mary Kay Klein
UNITED STATES MAGISTRATE JUDGE

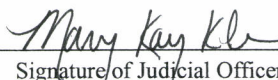
Name & Title of Judicial Officer



Signature of Complainant

Matthew Zavala

FBI

at Bemidji, MN
City and State

Signature of Judicial Officer

SCANNED

JAN 14 2013

U.S. DISTRICT COURT ST. PAUL

13-mj-22(1),(2)(mkk)

1 STATE OF MINNESOTA)
2)3 COUNTY OF BELTRAMI)
4)
5

ss. AFFIDAVIT OF MATTHEW A. ZAVALA

6 1. Your affiant, Matthew A. Zavala, being duly sworn,
7 does depose and state as follows:

8 2. I am a Special Agent (SA) with the Federal Bureau of
9 Investigation (FBI). I have been a Special Agent of
10 the FBI since April 2003. I am currently assigned to
11 the Bemidji, Minnesota Resident Agency of the FBI.

12 3. As a federal agent, your affiant is authorized to
13 investigate violations of laws of the United States
14 and to execute warrants issued under the authority of
15 the United States.

16 4. This Affidavit is made in support of Complaint and
17 Warrant for the arrest of CODY LOWELL TROY, date of
18 birth (dob) 03/25/1993, and TRAVIS MICHAEL BURNS, dob
19 09/17/1992, for violation of Title 18, United States
20 Code, Section 2113(a) and (d). The facts set forth in
21 this affidavit are based on my personal knowledge and
22 observations in this investigation, upon my
23 discussions with other law enforcement officers and
24 agents directly involved in this investigation, and
25 upon my review of official reports submitted in
26 relation to this investigation. This affidavit does
27 not contain all facts known to me regarding these
28 matters, but only those sufficient to support a
29 finding of probable cause for the requested warrant.

30 5. On Monday, December 10, 2012, at approximately 2:24 PM
31 an individual wearing a white protective containment
32 suit, white hood, a white "Halloween" movie style
33 mask, black gloves, and black Nike Air Jordan shoes

1 robbed the First State Bank of Bigfork in Kelliher,
2 Minnesota, located at 184 Main Street, Kelliher, MN, a
3 Federal Deposit Insurance Corporation (FDIC)
4 institution. The individual entered the bank,
5 approached the teller closest to the door, placed a
6 black backpack on the counter in front of the teller,
7 pointed a shotgun with a sawed off barrel at the
8 teller, and "racked" the sawed-off shotgun. The
9 teller placed \$3738 in cash, including bait money, in
10 the backpack. The robber grabbed the backpack and ran
11 out of the bank.

12 6. Law enforcement officers from the Beltrami County
13 Sheriff's Office (BCSO), the Bureau of Criminal
14 Apprehension (BCA), Headwaters Safe Trails Task Force
15 (HSTTF), and the FBI responded to the bank.

16 7. The video surveillance inside and outside the bank was
17 reviewed. Moments before the robber entered the bank,
18 he was picked up on the camera facing the rear of the
19 bank, wearing the same clothing and mask as when he
20 entered the bank. The robber ran along the side of
21 the bank, turned to run across the front of the bank,
22 and ran inside the front entrance. The cameras inside
23 the bank show the robber approach and rob the victim
24 teller with the shotgun. The robber then exited the
25 bank and followed the same path back to the rear of
26 the bank and off camera.

27 8. Officers identified and photographed footprints in the
28 snow along the path the robber had taken as seen on
29 the bank camera. The shoes were determined to be Nike
30 Air Jordan shoes, based on the pattern of the tread
31 which contained the Air Jordan emblem. The shoes came
32 from and led back to a street behind the bank, which

1 could not be seen on camera. Officers also identified
2 and photographed the tire tread markings left by a
3 vehicle where the robber's footprints ended.

4 9. The victim teller, Tessa Latterell, was interviewed
5 and advised the robber placed a black backpack on the
6 counter in front of her, pointed the shotgun at her,
7 and then pumped the shotgun. Ms. Latterell advised
8 she pulled all the cash from her till, including the
9 bait money, and quickly placed the money in the
10 backpack. Ms. Latterell also advised she was
11 physically shaking after her experience.

12 10. While at the bank, an officer was approached by a man
13 who identified himself as Brent Eggen. Mr. Eggen
14 advised he had seen a maroon Ford Ranger style pickup
15 truck in the vicinity of the street where the robber's
16 footprints led to at about the time when the robbery
17 had occurred. Another officer familiar with the area
18 of Kelliher and its residents advised a young man from
19 the Kelliher area was known to drive a red pickup
20 truck. This officer advised the young man's name was
21 TRAVIS BURNS.

22 11. Another witness, Kathy Grundmeier, reported to law
23 enforcement that she had been driving into Kelliher to
24 pick up her son from school on Monday shortly after
25 the bank robbery had occurred. She passed by a red
26 pickup driving away from Kelliher. Ms. Grundmeier
27 noted there were two individuals in the truck. She
28 believed the driver was Jarrett Burns, but observed
29 Jarrett at the school when she picked up her son. She
30 knew Jarrett had an older brother who looked very
31 similar to Jarrett and believed the driver must have

1 been the older brother. Jarrett's older brother is
2 TRAVIS BURNS.

3 12. Travis Malterud called BCSO and reported that he had
4 served as a foster father for CODY TROY. Mr. Malterud
5 advised he knew TROY had a "Halloween" movie style
6 mask and that TROY's stepfather owned a construction
7 company for which TROY previously did some work, which
8 could provide TROY with access to a protective
9 containment suit. Malterud also described TROY as a
10 "thrill seeker" who might rob a bank without thinking
11 through the consequences.

12 13. Law enforcement learned TROY had an outstanding
13 warrant for burglary out of Itasca County and located
14 TROY on Wednesday afternoon, December 12, 2012, at
15 1305 1/2 Bemidji Avenue, Bemidji, MN, where TROY had
16 been residing for several weeks. Officers also
17 located a red Mazda B2300 pickup truck, similar in
18 style to a Ford Ranger, parked behind the residence.
19 The pattern of the tires on the Mazda truck bore a
20 striking similarity to the photographs taken of the
21 tire tracks behind the bank following the robbery.

22 14. Besides TROY, Joseph Johnsrud was present at the
23 residence. Mr. Johnsrud advised officers he resided
24 at the apartment with TRAVIS BURNS and that TROY had
25 recently started staying at the apartment. Mr.
26 Johnsrud was advised by the officers that they were
27 investigating a bank robbery and suspected TROY was
28 involved. Consent was obtained from Mr. Johnsrud for
29 officers to look through the common areas of the
30 apartment. Mr. Johnsrud advised the officers he knew
31 TROY and BURNS had several wigs in an open closet off
32 the kitchen which was used by all residents. Officers

1 observed a box of shotgun shells when looking in the
2 closet.

3 15. An officer stayed at the residence with Mr. Johnsrud
4 while a search warrant for the residence was obtained
5 by BCSO. During the execution of the search warrant
6 several items of evidence were recovered from the
7 closet off the kitchen. The items included the box of
8 shotgun shells; a hacksaw; a loaded shotgun with the
9 barrel and stock sawed off; the sawed off barrel and
10 stock; a white protective containment suit; black
11 gloves; black Nike Air Jordan shoes; and a white
12 "Halloween" movie style mask. A black backpack and
13 bait money were recovered from the bedroom where BURNS
14 slept.

15 16. Based on the items of evidence seized at his residence
16 and in his bedroom at the residence, the red Mazda
17 pickup, and witness statements, BURNS was taken into
18 custody by BCSO. A key belonging to the red Mazda
19 pickup was found on BURNS during a search incident to
20 arrest.


21 17. Supervisory Special Agent (SSA) Don Newhouse, BCA,
22 interviewed CODY TROY in custody following his arrest.
23 TROY waived his Miranda rights and confessed to being
24 the robber in the bank robbery. TROY advised he and
25 TRAVIS BURNS robbed the bank in Kelliher in order to
26 pay a drug debt. The confession was recorded.

27 18. Concurrent to the interview of TROY, BURNS was
28 interviewed while in custody by Special Agents (SA)
29 Matthew Zavala and Joe Ogden, FBI. After waiving his
30 Miranda rights BURNS initially denied any involvement
31 in the bank robbery. Following TROY's confession SSA
32 Newhouse joined the interview of BURNS and advised

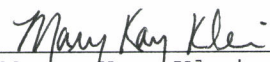
1 that TROY had confessed and had implicated BURNS.
2 BURNS then confessed to driving TROY to Kelliher in
3 his red Mazda truck with the intention of robbing the
4 bank. BURNS advised the two had robbed the bank with
5 the intention of paying off a drug debt. The
6 confession was recorded.

7 19. Based upon the above information, I believe that there
8 is probable cause to conclude that on December 10,
9 2012, CODY LOWELL TROY and TRAVIS MICHAEL BURNS, each
10 aiding and abetting the other, did knowingly, by
11 force, violence, and intimidation, take from the
12 person and presence of a victim teller approximately
13 \$3,738.00 in United States currency belonging to and
14 in the care, custody, control, management, and
15 possession of the First State Bank of Bigfork located
16 in Kelliher, Minnesota, the deposits of which were
17 then insured by the Federal Deposit Insurance
18 Corporation, and in committing such offense, did
19 assault and put in jeopardy the life of another person
20 by the use of a dangerous weapon, that is, a short-
21 barreled shotgun, all in violation of Title 18,
22 United States Code, Section 2113(a) and (d).

23 20. Further your affiant sayeth not.

24 
25 _____
26 Matthew A. Zavala
27 Special Agent
28 Federal Bureau of Investigation
29 Bemidji, Minnesota
30

31 Subscribed and sworn to before me this 10th day of January
32 2013.

33 
34 _____
35 Mary Kay Klein
36 U.S. Magistrate Judge